

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

ANDREW ALBERT, individually, and
as representative of a Class of
Participants and Beneficiaries, on
Behalf of the Oshkosh Corporation and
Affiliates Tax Deferred Investment Plan;

Case No. 20-cv-901

Plaintiff,

v.

OSHKOSH CORPORATION, *et. al.*

Defendants

PLAINTIFF'S NOTICE OF SUPPLEMENTAL AUTHORITY

Pursuant to Civil L.R. 7(k), Plaintiff Andrew Albert hereby submits this Notice of the following supplemental authority: *McGowan v. Barnabas Health, Inc.*, Civ. No. 20-13119 (KM) (ESK), 2021 WL 1399870 (D. N.J. April 13, 2021) (copy attached as **Exhibit 1**); and *In re Biogen, Inc. ERISA Litigation*, Case No. 20-cv-11325-DJC, 2021 WL 311633 (D. Mass. July 22, 2021) (copy attached as **Exhibit 2**). This authority is relevant to Argument Section I of Plaintiff's Response Brief in Opposition to Defendants' Motion to Dismiss Amended Complaint (Dkt. 28), and to Section I of Plaintiff's Surreply in Opposition to Defendants' Motion to Dismiss Plaintiff's Amended Complaint (Dkt. 34-1).

Dated this 29th day of July, 2021

WALCHESKE & LUZI, LLC
Counsel for Plaintiff

s/ Paul M. Secunda

James A. Walcheske, State Bar No. 1065635
Scott S. Luzi, State Bar No. 1067405
Paul M. Secunda, State Bar No. 1074127

WALCHESKE & LUZI, LLC
235 N. Executive Dr., Suite 240
Brookfield, Wisconsin 53005
Telephone: (262) 780-1953
Fax: (262) 565-6469
E-Mail: jwalcheske@walcheskeluzi.com
E-Mail: sluzi@walcheskeluzi.com
E-Mail: psecunda@walcheskeluzi.com

CERTIFICATE OF SERVICE

I, Paul M. Secunda, hereby certify that on July 29, 2021, I electronically filed a copyof the foregoing Plaintiff's Notice of Supplemental Authority through the Court's CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Paul M. Secunda
Paul M. Secunda